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United States General Accounting Office

Report to Congressional Requesters

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DISASTER ASSISTANCE

Timeliness and Other Issues Involving the Major Disaster Declaration Process

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Resources, Community, and
Economic Development Division

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May 25, 1989

The Honorable Quentin N. Burdick
Chairman, Committee on Environment and Public Works
United States Senate

The Honorable Glenn M. Anderson
Chairman, Committee on Public Works and Transportation
House of Representatives

This letter responds to a requirement in the Disaster Relief and Emergency Assistance Amendments of 1988, enacted on November 23, 1988. The requirement directed the General Accounting Office to conduct a study of the major disaster declaration process and report to the Congress on ways to improve and ensure the nonpolitical functioning of the process. This requirement was prompted by congressional findings concerning the major disaster declaration request for the May 1988 rocket fuel plant explosion in Henderson, Nevada.

To respond to the directive, we examined (1) the time frames involved in reaching a major disaster declaration decision, including the amount of time the White House spent in making its decision, (2) the procedures for making the declaration decision and other information public, and (3) any indications of political party affiliations influencing the decision. We did not address other aspects of the declaration process, such as the criteria for determining whether a disaster warrants a federal declaration.

Results in Brief

The White House and the Federal Emergency Management Agency (FEMA) processed major disaster declaration requests in a timely manner, and as such, we did not identify any areas needing improvement. The federal government reached a decision, once a request was received, on average, in 10 days. The White House accounted for 3.5 of these days. FEMA has established procedures for disseminating information on major disaster declaration requests which we believe are adequate. However, the White House retains decision-making authority for declaring major disasters and ultimately has the prerogative to disclose information on its decision as it desires. There were no indications that party affiliation affected White House major disaster declaration decisions.

Declaration Request Process

FEMA's State and Local Programs and Support Directorate manages and administers the federal disaster declaration process. The Directorate assesses the severity and magnitude of situations for which federal assistance has been requested. It then prepares documented recommendations for action by the President, who has final decision-making authority for declaring major disasters.

A federal declaration of a major disaster will be considered only at the request of the governor of the affected state or territory. When the governor determines that disaster recovery is beyond the capability of the state and local governments, he or she may request the President to declare a major disaster. The declaration is significant because it authorizes a federally coordinated disaster relief effort, including federal participation in the costs of cleanup, street and water system repairs, and other state and local government-incurred damages; and temporary housing, home repairs, and other cash grants to eligible households.

FEMA regional office personnel, accompanied by state and local government representatives, conduct on-site preliminary damage assessments. On the basis of information in the governor's request and information gathered during the damage assessment, the FEMA regional office prepares a regional summary and an analysis and recommendation for FEMA headquarters review. After reviewing all available information and discussing the disaster with staff members, the Directorate decides on the proposed recommendation to be presented to the FEMA Director for transmittal to the President.

The declaration package is prepared by FEMA and delivered to the White House for a final decision. The package contains a memorandum to the President, a letter to the governor announcing or turning down the declaration, a declaration telegram to the governor, a press release, a list of the congressional delegation, a map showing the affected areas, and a copy of the governor's request.

The White House Office of Cabinet Affairs notifies FEMA, by telephone, of the President's decision. Unless otherwise directed by the White House, FEMA immediately relays this information to the appropriate regional director, who notifies the governor, by telephone, of the President's decision. A telegram is sent to the governor concurrently. After confirming that the governor has been notified, FEMA notifies the appropriate congressional delegation.

FEMA guidance for responding to any inquiries from the news media, congressional offices, federal or state agencies, or other interested parties prohibits any speculation on the timing or probable decision on a major disaster declaration request before the President's decision is announced.

Little Time Taken by the White House to Reach a Decision

We reviewed all major disaster declaration requests made in fiscal year 1988 and fiscal year 1989 requests through January 31, 1989, to determine the amount of time that the process takes. We found that of the 33 major disaster declaration requests we reviewed, 22 resulted in declarations and 11 were turned down. The average amount of time between the disaster and the White House decision was 23 days, but over half of this time consisted of the time between the disaster and the governor's request. The time FEMA and the White House spent in reaching a decision once a governor's request was received averaged about 10 days. Approved declarations generally were made faster than rejections. The time between the FEMA recommendation and the White House decision averaged 3.5 days—2 days for requests resulting in declarations and 7 days when requests were denied. Many White House decisions were made in 1 day.

The time taken by the White House to reach its decision not to declare a major disaster in the Henderson, Nevada, rocket fuel plant explosion was unusual. The decision was made 28 days after FEMA headquarters provided the recommendation package to the White House. This was the longest time frame of any disaster request we examined. Only three requests, including the one for Henderson, Nevada, took longer than 1 week; the other two taking 13 and 15 days.

We found that the White House reversed FEMA's recommendation in only one disaster declaration request. In that case the White House declared a major disaster contrary to FEMA's recommendation. FEMA officials told us that the White House generally concurs with the agency's recommendations. They also said that when the White House reverses FEMA's recommendation, it is not required to provide a rationale or justification for its decision.

FEMA Has Established Procedures for Disseminating Information

As noted earlier, FEMA does have established procedures for disseminating major disaster declaration decisions, which we believe are adequate for precluding public release of the decision prior to notifying the requesting governor. The Directorate's Chief, Program Coordination Division, Office of Disaster Assistance Programs, said that although FEMA has provided the White House with its procedures for processing major disaster assistance requests, and suggested that the White House not make the decision known to others before the affected governor receives the information, the White House apparently does not always follow these procedures. She said that the White House in the past has given advance notice of a decision to certain persons before notifying FEMA. At other times, the White House provided FEMA with its decision and required FEMA to delay notifying the governor for a few hours. She said this has occurred in both Republican and Democratic administrations.

Subsequently, the Associate Counsel to the President told us, in correspondence dated May 17, 1989, that the current administration, as a courtesy, has directly informed governors and the affected congressional delegations of the President's decisions on major disaster declaration requests.

No Correlation Between Party Affiliation and Declaration Decisions

In reviewing the major disaster declaration requests, we found no indication that party affiliation affected White House decisions on major disaster declaration requests. In this regard, 11 of 15 Republican governors' requests for a major disaster declaration were approved, as were 7 of 14 Democratic requests. Conversely, states represented by Democratic senators received a major disaster declaration more often than those represented by Republicans—6 of 9 versus 2 of 4. The party affiliation of representatives was about evenly split in comparing declarations to nondeclarations. (See table 1.)

Table 1: Party Affiliation of Key State Officials for Each Major Disaster Decision, Fiscal Years 1988-89 (Through Jan. 31, 1989)

22 major disasters declared				
Official	**Republican**	**Democrat**	**Other[a]**	**Total[b]**
Governor	11	7	4	22
Senator	2	6	8	16
Representative	3	5	9	17
11 major disaster requests denied				
Official	**Republican**	**Democrat**	**Other[a]**	**Total[b]**
Governor	4	7	0	11
Senator	2	3	6	11
Representative	3	6	2	11

[a]Cases where the affected area had senators or representatives of both major parties, or cases where the requester is not a member of either major party, e.g., the governor and representative of Guam or the President of the Marshall Islands.

[b]The numbers may not add to the total number of major disasters declared because some territories do not have senators and/or representatives.

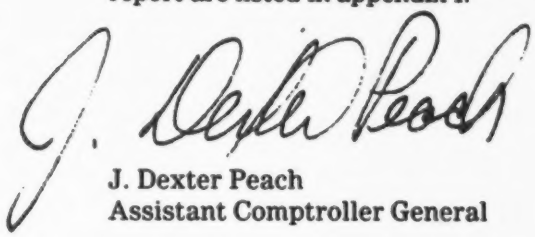
Source: FEMA major disaster declaration files.

Scope and Methodology

In performing our review, we interviewed FEMA officials responsible for administering the disaster assistance program and reviewed FEMA regulations, procedures, and other guidance used in evaluating major disaster declaration requests. We reviewed 33 FEMA major disaster declaration request files, which included all fiscal year 1988 requests and fiscal year 1989 requests through January 31, 1989. The same process is followed for considering requests made by governors for emergency declarations as for major disaster declarations; however, as requested, we limited our review to major disaster declarations. Also, we requested information from the White House on its role in the major disaster declaration process. We discussed the contents of this report with appropriate FEMA officials, but did not obtain formal comments from FEMA. We performed our work between December 1988 and February 1989, in accordance with generally accepted government auditing standards.

The work we performed was based on discussions with Senator Harry M. Reid's office, the originator of the provision mandating our review. As stated earlier, our work was performed pursuant to the requirements of the Disaster Relief and Emergency Assistance Amendments of 1988 and fulfills our legislative requirements under the act.

Copies of this report will be sent to appropriate congressional committees; Senator Harry M. Reid; the Director, Office of Management and Budget; the Director, FEMA; and other interested parties. This work was performed under the direction of John M. Ols, Jr., Director of Housing and Community Development Issues. Other major contributors to this report are listed in appendix I.



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